



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WATERS *v.* TREFOURET et al.

Jan. 12, 1915.

[83 S. E. 1078.]

1. Wills (§ 472*)—Construction—Relative Position of Provisions.—The rule that, when provisions are irreconcilable, the latter must prevail, will only be adopted to avoid the failure of both for uncertainty, and will never be permitted to defeat the intention of the testatrix manifested by the whole will.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 990, 991; Dec. Dig. § 472.* 13 Va.-W. Va. Enc. Dig. 784; 15 Va.-W. Va. Enc. Dig. 1078.]

2. Wills (§ 612*)—Construction—Annuities.—Where testatrix gave her property to her brothers in trust to pay annuities to two persons during their natural lives, and the rest of the income to the mother of testatrix, and provided that, after the death of the mother, the whole property should become the absolute property of her brothers without condition, the last provision did not nullify the provisions for the annuities, but the brothers take the property subject to the payment of the annuities.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 1387-1392, 1608; Dec. Dig. § 612.* 13 Va.-W. Va. Enc. Dig. 784; 15 Va.-W. Va. Enc. Dig. 1078.]

Appeal from Circuit Court, Albemarle County.

Suit by William D. Waters, executor, against Alfredine Jeanne Trefouret and others to procure the construction of a will. From a decree construing the will in favor of defendants, complainant appeals. Affirmed.

Perkins, Perkins & Walker, of Charlottesville, for appellant.

Duke & Duke, of Charlottesville, *Jay & Candler*, of New York City, and *Hanckel & Hanckel*, of Charlottesville, for appellees.

ANDERSON *v.* UNION BANK OF RICHMOND et al.

Jan. 12, 1915.

[83 S. E. 1080.]

1. Time (§ 9*)—Computation—Including Last Day—Notice.—Under Code 1904. § 3211, providing for judgment on motion after 15 days' notice which shall be returned to the clerk's office within 5 days after service, the day of service is to be counted in computing the 15 days' notice.

[Ed. Note.—For other cases, see Time, Cent. Dig. §§ 11-32; Dec. Dig. § 9.*]

2. Pledges (§ 58*)—Actions—Defense.—Where notes were pledged

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.